

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**SPACE EXPLORATION
TECHNOLOGIES CORP.,**

Plaintiff,

v.

**NATIONAL LABOR RELATIONS
BOARD, a federal administrative agency,
JENNIFER ABRUZZO, in her official
capacity as the General Counsel of the
National Labor Relations Board, LAUREN
M. McFERRAN, in her official capacity as
the Chairman of the National Labor
Relations Board, MARVIN E. KAPLAN,
GWYNNE A. WILCOX, and DAVID M.
PROUTY, in their official capacities as
Board Members of the National Labor
Relations Board, and JOHN DOE in his
official capacity as an Administrative Law
Judge of the National Labor Relations
Board,**

Defendants.

Civil Action No. 6:24-cv-00203-ADA-DTG

**PLAINTIFF’S OPPOSED MOTION FOR AN EXTENSION UNTIL JUNE 20, 2024 TO
FILE RESPONSE IN OPPOSITION TO DEFENDANTS’ MOTION TO STAY
FURTHER PROCEEDINGS**

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure, Plaintiff Space Exploration Technologies Corp. (“SpaceX”) moves this Court for an extension of time for the filing of its opposition to Defendants’ motion to stay further proceedings to June 20, 2024. Currently, under Local Rule CV-7(D)(2), SpaceX’s response is due June 6, 2024.¹ As set forth below, there is good cause to grant a short 14-day extension to June 20, 2024.

1. On May 23, 2024, Defendants filed a motion to stay further proceedings. *See* Dkt. 23.
2. Pursuant to Local Rule CV-7(D)(2), SpaceX has fourteen days to file its response in opposition. SpaceX’s response is therefore due June 6, 2024.
3. SpaceX seeks a short 14-day extension, to June 20, 2024, to file its response.
4. Granting the extension will allow SpaceX’s counsel and personnel adequate time to draft and review the response. Between May 23, 2024, and the current deadline for SpaceX’s response, SpaceX’s counsel and personnel will simultaneously be working on several matters. For example, Catherine Eschbach, the undersigned counsel-in-charge for this matter, has the following obligations:
 - Drafting an objection to a *Santiago* proffer in *United States v. Paul La Schiazza*, No. 22-CR-520 (N.D. Ill.), which is due on May 24, 2024.
 - Drafting a reply in support of a motion to dismiss in *Muniz v. Amazon.com Services, LLC*, No. 5:23-CV-2768 (E.D. Pa.), which is due May 28, 2024, after having already received a one-week extension.

¹ Given the substantive nature of Defendants’ first-to-file motion and Defendants’ request for a stay of proceedings before this Court, SpaceX does not believe the motion is properly classed as a “discovery or case management motion” to which a 7-day response deadline would apply. Therefore, SpaceX believes the default 14-day response deadline applies. However, should the Court disagree, SpaceX requests that this Court instead construe the motion as a request for a 21-day extension.

- Drafting a reply in support of the motion for preliminary injunction in this case, which is due June 6, 2024, after previously having obtained a 7-day extension.
- Drafting a response in opposition to a motion for an indicative ruling in *SpaceX v. NLRB*, No. 1:24-cv-1 (S.D. Tex.), which is due June 6, 2024.
- Drafting an appellees' brief in *County of Clark v. Orbitz Worldwide, LLC*, No. 24-688 (9th Cir.), which is due on June 17, 2024, after having already received a 30-day extension.
- Drafting an appellees' brief in *Healthy Vision Association v. Abbott*, No. 24-10245 (5th Cir.), which is due on June 19, 2024. The opening brief is scheduled to be filed on May 20, 2024.
- Drafting an opening brief in *SpaceX v. NLRB*, No. 24-40315 (5th Cir), which is due on June 17, 2024.

In addition to the obligations above, the undersigned counsel has pre-paid international travel booked from May 24-29 over the holiday weekend. SpaceX's other counsel and personnel also have numerous preexisting professional responsibilities and pre-arranged holiday travel plans that will interfere with their ability to prepare and review the response by June 6, 2024, the current due date.

5. SpaceX is not seeking this extension for purposes of delay, and given Defendants' request to stay the proceedings, SpaceX's requested two-week extension is unlikely to cause any prejudice to Defendants. *See* Dkt. 23.
6. This Court previously granted SpaceX an extension on its reply in support of its preliminary injunction motion from May 30, 2024, to June 6, 2024, having found the foregoing constituted good cause for an extension. Now SpaceX also has an opposition to

a motion for an indicative ruling in its case against the NLRB pending in the Southern District of Texas due on June 6, 2024, in addition to the other obligations and commitments that animated seeking the prior extension.

7. Counsel for SpaceX consulted counsel for Defendants regarding this request on May 24, 2024, but the parties were unable to reach an agreement by the time of filing.

For the foregoing reasons, there is good cause to grant SpaceX's motion to extend its deadline for the filing of the response to Defendant's motion to stay further proceedings (Dkt. 23) by 14 days—from June 6, 2024 to June 20, 2024.

Dated: May 24, 2024

Respectfully submitted,

By: s/ Catherine L. Eschbach

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7(g), I hereby certify that on May 24, 2024, my co-counsel conferred with counsel for the Defendants via email. The parties were unable to reach an agreement by the time of filing.

s/ Catherine L. Eschbach
Catherine L. Eschbach

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2024, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification to all parties of record.

s/ Catherine L. Eschbach
Catherine L. Eschbach